

Macco & Stern LLP

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

COMMACK PLAZA LLC, d/b/a ARA,
d/b/a ARA GREEK KITCHEN & BAR
d/b/a ARA GREEN KITCHEN AND BAR

Index No. 19-71978 (REG)

Chapter 11

Debtor.

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AFFIDAVIT PURSUANT TO LOCAL BANKRUPTCY RULE 1007-4

STATE OF NEW YORK)
) s.s.:
COUNTY OF SUFFOLK)

STEVE MENEXAS, being duly sworn, deposes and says:

1. I am the managing member of Commack Plaza, LLC d/b/a Ara d/b/a Ara Greek Kitchen & Bar, d/b/a Ara Greek Kitchen & Bar (the “Debtor”) under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”), and, as such, am fully familiar with the fact and circumstances set forth herein.

2. This case is not a case originally commenced under chapter 7, 12, or 13, and, as such, no trustee has been appointed and no creditors committed elected pursuant to Bankruptcy Code §705.

3. No committee was organized prior to the filing of the above-referenced chapter 11 bankruptcy.

4. The names and addresses of the twenty (20) largest general unsecured creditors of the Debtor, excluding such creditors as were insiders of the debtor at the time of the filing who would not be entitled to vote at a Creditors' Meeting under Rule 1007 of the Federal Rules of Bankruptcy Procedure (the "Federal Rules") and §1102 of the Bankruptcy Code, are listed on the annexed Schedule E/F.

5. The Debtor has secured creditors as follows: (a) NewBank, which holds a senior secured claim on substantially all of the Debtors' assets, perfected by UCC-1; and (b) US Foods, Inc., which holds a junior secured claim on substantially all of the Debtor's assets, perfected by UCC-1.

6. The Debtor has assets as listed on Schedule A/B to the Debtors Petition.

7. The Debtor has liabilities as listed on Schedule D, E/F and G of the Debtor's Petition.

8. The Debtor is a limited liability company with one-third interests held by the following: (a) Steve Menexas; (b) Giorgios Menexas; and (c) Antonios Dagounakis.

9. The Debtor leases: (a) the real property located at, and known as, 2 Henry Street, Commack, New York (the "Real Property") from PJ Venture FG, LLC (the "Landlord"), pursuant to a lease agreement, subsequent amendments, and stipulations of settlement (collectively, the "Lease"), for base rent of \$17,735.58, and common area charges of \$1,800.00, for a monthly obligation of \$19,525.58 (the "Rent"); and (b) two (2) industrial dishwashers from EcoLab with monthly payments of \$124.86 and \$244.95 respectively.

10. The Debtor's significant assets and books and records are located at the Real Property, and none of the Debtor's assets are located outside the territorial limits of the United States.

11. The Debtor is a defendant in a several actions, including: (a) a non-payment action entitled *PJ Venture FG, LLC v. Commack Plaza*, in the District Court of the County of Suffolk, Fourth District: Smithtown, assigned index number LT-000180-18/SM; (b) an action by an equity interest holder entitled *Antonios Dagounakis v. Bay Terrace Plaza, LLC, et al.*, assigned index number 61264/2018 in the Supreme Court of the State of New York, County of Nassau, which was consolidated with a separate case previously pending before the Supreme Court of the State of New York, County of Suffolk; and (c) various trade vendor collection actions, as listed on the Statement of Financial Affairs.

12. The Debtor is has senior management as follows: (a) Tina Menexas, Director of Operations; (b) Cesar Acosta, General Manager, (c) Moataz Sherif, Manager, and (d) Juan Larrea, Kitchen Manager.

13. The Debtor has not paid any officer or member within the past twelve (12) months and Debtor does not intend to make payments to the officers during the pendency of the Bankruptcy.

14. The Debtor has monthly payroll of approximately \$52,750.

15. The Debtor not anticipates receiving approximately \$110,000 of gross sales in the next thirty (30) days.


16. The Debtor has monthly expenses as follows:

Rent	\$	19,526
Inventory	\$	24,000
Utilities	\$	4,800
Open Table	\$	600
Marketing	\$	1,100
Advertising	\$	1,600
Maintenance and Supplies	\$	610
Dishwasher Leases	\$	370
Insurance	\$	1,750
Payroll	\$	28,750
Managers Payroll	\$	24,000
Officer Payroll	\$	0
TOTAL	\$	107,106

17. The location of the Debtor's books and records are at the above-address and in the possession custody and control of Peter Stellatos, the Debtor's accountant.

18. No assets of the Debtor are outside of the territorial limits of the United States.

COMMACK PLAZA, LLC


Steve Menexas
Managing Member

Sworn to before me this
2 day of April, 2019


NOTARY PUBLIC

Cooper J Macco
Notary Public, State of NY
No. 02MA6279300
Qualified in Suffolk County
Commission Expires April 8, 2021